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compurgators that the land was his. He took the oath, but the other refused to accept its verdict and the quarrel continued. The whole village denounced this as 'very shameful'.

Some losers were made to accept the verdict by the realization that resistance would only plunge them into the difficulties of a blood feud, and others submitted in fear of losing 'face'. The elders had normally little machinery for enforcing the verdict. In one difficult case observed by the author in Çermenikë however, they succeeded by the unusual device of putting both claimants to the oath. An old, forceful man had quarrelled about irrigation water with a young rascal who was his distant relative. The elders decided that if the young man could take the oath, he should have the water; if he could not, the old man must not think the water his but must take oath on another day that it was his by right. As the young man was a notorious liar, it was not expected that he would be able to muster the requisite number of compurgators. But to the general surprise he succeeded, and took the oath. The elders decreed that he should have water for six hours every five days. The old man seemed at first to acquiesce in this decree, but later held up the water and turned out his own compurgators to take oath along with himself that it was his. But the elders would not countenance such disobedience, particularly as he had originally submitted to the verdict of his relative's oath; and by refusing to come and witness his oath they prevented it from being taken. Eventually he gave in, and allowed the young man to have water according to the oath that he had sworn as prescribed by the elders.

Another interesting case occurred in Dibër about 1935. Cen Elezi was asked to arbitrate between two cousins in Çajë, in south Lumë, who were quarrelling about a piece of land. He asked a fee of twelve napoleons from each, and accepted their tobacco boxes in pledge thereof. The boxes were silver but not worth anything like his fee, so they were only a token pledge. Cen then went to see the land and discovered that neither cousin knew exactly where its boundaries lay. He pointed this out and said that this and their relationship made arbitration difficult. One of them, whom he named, must therefore take oath with six named and six unnamed compurgators that the land was his. First of all, however, he must set up the boundary stones in their proper places. On the day arranged Cen could not go himself to witness the oath. He

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such phrases as 'May Sheikh Ibrahim cut short my life' and 'May 783
the bread kill me'. Sometimes the mechanism was crude and obvious, as in Jove's thunderbolts, the lightning that struck the perjurer dead, set his house on fire, or killed his livestock. Even if a perjurer escaped death, it was expected all over the country that he would fall ill or go from bad to worse till he came to ruin. Poverty and sickness must be his lot. His family might even die out, most dreadful of calamities. His son might be born with a physical defect, lame or blind or with a withered arm or too many fingers to his hands. A man of Tërnovë, near Martanesh, took a false oath, and as a result one of his eyes a year later was as large as his fist.

There were also social penalties to be faced. A man detected in 687
a false oath became an outcast, despised and condemned by all his [672]
fellows, and was never again invited into any house in the tribe. In [558]
grosser cases in the Malësi e Madhe he might even be expelled by the tribe. In Mirditë his family was branded with shame for seven generations. All over the Catholic areas he was also fined. In Mirditë there were elaborate rules for these fines. If there had been a jury of twenty-four, the perjurer had to pay 100 rams and an ox to the Gjomarkaj family. If the jury had been smaller, the fine, which was presumably of the same amount, went to the tribe. In addition, the perjurer had to pay a fine to the Church and 500 grosh to each compurgator for leading him into perjury and outrage to the Church, and so exposing him to the usual punishments for perjury and sacrilege. For the Divine wrath fell on an unwitting no [783]
less than on a witting perjurer. It was no excuse for a compurgator in God's eyes that he had forsworn himself in reliance on the suspect's oath; he had had the responsibility of ascertaining the facts for himself. The compurgators and the perjurer had to go to church in order to obtain absolution for their sins. Just before leaving, the perjurer had to leave money on the altar to pay all the fines he had contracted to pay when he took the oath before the compurgators. In the Malësi e Madhe he had to give six purses to the Church as well as one to each compurgator. In Martanesh which is, of course, completely Moslem, the same compensation was payable to each compurgator in a perjury case, but in neighbouring Zerqan the practice was unknown. The fine was obviously a considerable deterrent to would-be perjurers, especially when the jury was large.

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they had punished the man he denounced, they repaid any moneys taken from this man out of the false witness's property, selling a portion of it if necessary.

In some southern areas manners were softer. In Çermenikë and Zerqan a lying witness was dismissed with a contemptuous word, suffering only disgrace in the accuser's eyes. Since his identity had never transpired, the public thought neither more nor less of him than before.

Sometimes the witness convicted himself of being the thief. This happened especially when he knew too many details, describing too exactly, for instance, the colour of a stolen animal's hair, the number of its spots, or the shape and twirls of its horns. The elders then called him the thief outright and sentenced him to pay their fee as well as the value of the stolen property and the amount he had extracted from the accuser as his own fee. 'So you wanted to steal twice over from him, did you?' they would exclaim. In Martanesh they also disgraced him publicly. The elder in whose yard he was being secretly examined called out to the accuser to come and seize him like the thief he was; during his cross-examination the accuser had remained, as was everywhere customary, out of earshot. As the yard was bolted for the night, the thief could not escape. Next day he was led out in front of the assembled village, denounced by the elders, and publicly sentenced to pay the sums described above. It often happened that they saw him then for the first time.

In Mirditë, it sometimes happened that a witness, observing that he had failed to convince the elders, and certain of his evidence, came forward publicly, seized the thief (or murderer) by the arm and denounced him as the criminal. Such courage never failed to win credence for his story.

If the witness was dismissed as a liar or convicted as the thief, the accuser lost the money he had paid him as well as the value of his lost property. That explains why a suspect could not be put to the oath a second time, yet could be retried as it were on a witness's evidence. It cost the accuser nothing to make a suspect take an oath, so that if the law had allowed 'oath after oath', a litigiously minded man might have made himself an endless nuisance to suspect, elders, compurgators and general public. But there was no such risk with a witness. The accuser had to prepay him whatever fee they agreed on, and if he had been foolish enough to trust an unsatisfactory person, he lost his money.

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CHAPTER XXI

MURDER WITHIN THE FAMILY

682 627 596 When a man murdered his son, father, brother, paternal uncle, paternal uncle's son, or brother's son, the usual verdict was that in killing so near a relative the murderer had 'killed himself'. The victim's blood was therefore lost, 'no one sought-to-avenge him', and it had only been his 'ill-luck' so to die.

From another point of view it might be argued that since the murderer was the victim's nearest relative, other relatives could not act over his head and avenge the dead man. For example, when a man murdered his paternal uncle, if the latter left neither son nor brother, his blood was lost, for the murderer was his nearest relative and by killing him had only killed himself. On the other hand, if the uncle left either a son or a brother, that son or brother was nearer to him than the murderer and avenged his death. In view of his relationship to the criminal his vengeance generally took the form of exacting blood money. In the same way when a man murdered his brother's son, the victim's blood was lost if he left neither father nor brother. But if he left either, the murderer had to pay blood money. The rule of the nearest relative failed only if one brother killed another while their father was alive. Though the father was the nearest relative of the victim, the fratricide being only a neighbour by comparison, the victim's blood was lost. The father could not avenge him except by killing his surviving son, and even from the best of motives no decent father would kill a son.

[672] The motive of the murderer seldom affected the situation. The murder of a son, an extremely rare occurrence, was oftenest due to his adultery with his young stepmother. His blood was lost, not because of his sin, but solely because the father who murdered him was his nearest relative. Again, one brother sometimes fell in love with the other's wife, and knowing, especially in north Albania, that if she became a widow he could by customary law marry her, could not always resist the temptation to make her a widow. The victim's blood was lost in spite of the murderer's motive, and the fratricide married the widow and suffered no disability except some loss of face.

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of stones was made where he was killed; on this every passer-by was expected to throw a green leaf, a blade of grass or a pebble while expressing a wish for the repose of his soul. In Shkrel, according to one informant, a stone was stuck at the head and another at the foot, as though the place was a real grave, but a *muranë* was not made. Any relatives who wished to mourn him went to his grave, not to the place where he had been killed. Exceptionally, what seem real graves may be seen near the meadows of Tërnovë above Zerqan; ten or twelve in number, each roughly outlined with stones, they are known as 'the murdered graves' and are said to contain the bodies of men who fell there in a long-past battle between the villages of Tërnovë and Sopot. Again exceptionally, when Muharrem Bajraktar of Lumë fled in 1934 to Yugoslavia, the Spahi family, his hereditary enemies, killed one of his servants. Muharrem said this man was not to be buried in Bicaj, his native village, but by the wayside where he fell, so that when he himself returned from exile he should see the grave and be reminded to take vengeance.

The ideal was to take vengeance as soon as possible. In Kurbin the piled stones served to make the dead man's kinsmen hasten to take vengeance, reminding them of his death and so 'heating their blood'. For the same purpose the Catholics of the north frequently buried the man in his blood-stained clothes; the Mohammedans, however, obedient to the dictum that all who profess their faith must go to the grave in a clean winding sheet, discarded this custom. A still stranger reminder of the need to take vengeance, a little bottle filled with the dead man's blood, was used all over north Albania and in Kosovë. This bottle the relatives looked at day and night. As soon as the blood 'boiled', i.e. fermented, they seized their rifles, cocked their skull-caps over one ear to show their determination, and rushed forth to kill the murderer. If the blood did not 'boil', they might accept a money indemnity instead of taking a life. In western Mat they dipped a rag in the dead man's blood; when it looked stained and brown, they knew the hour to avenge him had struck. None of these reminders was found as far south as Çermenikë and Shpat.

Public opinion also spurred the avenger on. A man slow to kill his enemy was thought 'disgraced' and was described as 'low-class' and 'bad'. Among the Highlanders he risked finding that other men had contemptuously come to sleep with his wife, his

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626 daughter could not marry into a 'good' family and his son must
*628 marry a 'bad' girl. As far south as Godolesh on the outskirts of
558 Elbasan, he paid visits at his peril; his coffee cup was only half-
● filled, and before being handed to him it was passed under the host's left arm, or even his left leg, to remind him of his disgrace. He was often mocked openly.

All over north Albania it was permissible for the victim's kin to burn down the murderer's house. The veteran Mirash Nue of
[574] Vuksan in Shalë boasted that once he saved his house from this fate by sending a message to the avenger which ran: 'Spare the ashes on my hearth for the sake of the open house I've kept.' The avenger, touched by the reminder of Mirash's noted hospitality, yielded to the plea. In 1935 a Dibran took to the mountains after wounding a fellow-villager with whom he was at feud; on recovering, his victim did not dare to sleep at home in case he returned under cover of darkness to repair his bad marksmanship by setting fire to the house and burning him to death. In hot blood an avenger might in some places do as much material damage as possible to the murderer, burning his hay as well as his house, scything his ripening grain and harrowing over his growing maize. For fear of reprisals in kind he could nowhere harm his children or animals.

685 Burning down a murderer's house is said in Martanesh to have
*628 been a recent innovation, and in Dibër and Lumë to have been formerly much more common than in recent times. Various considerations suggest that the latter view is correct. The reason given in Lumë for the waning of the custom is that it grew progressively more serious as people abandoned the straw huts in which they once lived and built themselves stone houses; the huts were cheap and easy to rebuild, but the houses were not so easily replaced. With poverty as general and murder as frequent as they used to be, it is obvious that if burning the murderer's stone house and destroying his crops had been freely permitted, the life of the tribe could not have gone on. To restrict the attacks on property, sanctions were introduced. In Dibër an avenger guilty of incendiarism was banished in perpetuity by the community. In Krujë the crime was deprecated as doubly unwise; it might cause further deaths, so involving the avenger in further feuds, and women and children might be among the victims, in which case the avenger would be covered with disgrace. In Shpat an avenger who burned his enemy's house found the whole community against him as

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The man killed in the murderer's stead must not be too old, feeble-minded, or physically frail to carry arms, for such men were counted women, and women could not be killed in blood feuds. If the avenger killed such a man, he lost caste, was publicly branded as 'low-class' and made it certain that the feud would not be closed. It was also illegal to kill boys who were still too young to carry arms, that is to say, under fifteen or in some cases twenty. In the Malësi e Madhe, however, it was held that one must take vengeance where one could, and that in default of an adult enemy one might kill a boy. Even in that region such a crime was not committed except by a very bad man or one who was frenzied with rage at the recent murder of a relative or otherwise. For instance, in 1933 a subaltern of the Alije family, whose wife had been carried off by another Dibran, refrained for some years from avenging the insult in the way demanded by mountain law. Taunted with this restraint at a chance meeting in a café, he put aside the civilization acquired during his military education in Albania and in Italy and rushed for his revolver. As he was unable to find the man who had taunted him, he lay in wait for the latter's schoolboy son, aged fourteen, and shot him dead.

The men of Shalë said that vengeance on a boy was commoner in Pult than in their own tribe; the men of Pult, they added contemptuously, were in every way their inferiors. Much the same was said by the tribesmen of Lurë of their neighbours in Mirditë and Kthellë, who returned the compliment in kind. In Lumë a man who took such vengeance was never again given the greeting 'Peace be with thee', which is every good Mohammedan's due from his fellows. The manner of such vengeance was inevitably very brutal. Thus two men from Shlak, when working in Bardhanjol, found the small son of their enemy and tore him in two; they are said not to have troubled to kill him first. More often the enemy wrenched the cradle off a woman's back and in her presence cut the infant's throat. A particularly nasty case was reported about 1932 from Shalë, one of the most backward regions of Albania. While two families were quarrelling about a piece of land, the wife of Grimës one day voiced her opinions so volubly in Gjelosh's house that he lost his temper and pushed her out. She fell down some steps by the door and bruised her hip. She showed the bruise to the gendarmerie, who were sympathetic enough to arrest Gjelosh and to imprison him for three months. The woman, who cared more